

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 276

S.P. 103

In Senate, February 9, 1987

Reference to the Committee on Labor suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator RANDALL of Washington.
Cosponsored by Representative WILLEY of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Relating to Usable Data under the
State Construction Wage Law.

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4 Be it enacted by the People of the State of Maine as
5 follows:

6 26 MRSA §1306, first ¶, as amended by PL 1975, c.
7 59, §3, is further amended to read:

8 The public authority shall, before advertising
9 for bids for a public contract, ascertain from the
10 Director of the Bureau of Labor the fair minimum rate
11 of wages to be paid by the successful bidder to the
12 laborers, workmen or mechanics employed in the per-
13 formance of the contract. A schedule of minimum wages
14 shall be attached to and made a part of the specifi-
15 cations for the construction and shall be included in
16 the bidding documents. The "fair minimum rate of

1 wages," for the intent and purposes of sections 1304
2 to 1313, shall be the prevailing wages paid in the
3 locality in like construction. The director or a del-
4 egated member of that bureau shall assemble the data
5 as to wages paid by contractors employing 5 2 or more
6 construction workers in the State during the 2nd and
7 3rd week of September of each year. From these data,
8 the fair minimum wage for the following calendar year
9 shall be determined by the director. No minimum wage
10 shall may be established for any trade or occupation
11 if less than 10 workers are employed in such trade or
12 occupation in the State in the 2nd and 3rd week of
13 September.

14 STATEMENT OF FACTS
15

16 The basic intent of the state minimum wage in
17 construction law is to establish minimum wages to be
18 paid to various trades or occupations. These minimum
19 wages are determined from wage data which is supplied
20 annually by contractors and subcontractors performing
21 work during the 2nd and 3rd week of September of each
22 year. There are many small specialty subcontracting
23 firms such as electricians, plumbers, dry wall appli-
24 cators and others, who employ less than 5 tradesmen
25 in a specific trade. Current law does not allow wage
26 data from these firms to be used in establishing the
27 minimum rate to be paid. As a result, minimum wages
28 are determined which do not accurately reflect the
29 true "prevailing" wages of the project area in ques-
30 tion. This bill requires wage data from all construc-
31 tion firms employing 2 or more tradesmen and results
32 in the establishment of minimum wages which more ac-
33 curately reflect the "prevailing" wage.

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